



CONFEDERATED TRIBES
of the
GOSHUTE RESERVATION

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August 23, 2010

ATTN: Susan Lynn and Simeon Herskovits
Great Basin Water Network
1755 E. Plumb Lane #170
Reno, Nevada 89502

RE: Comments on the Nevada State Engineer's SCDD Renotice/Rehearing

Dear Susan Lynn and Simeon Herskovits:

The purpose of this letter is to provide comments regarding the State Engineer's information/documents posted on their website dedicated to Renotice/Rehearing of SNWA water applications within Spring, Cave, Dry Lake, and Delamar Valleys. This letter is in response to an email from Susan Lynn dated August 20, 2010, requesting participation and comment by the Confederated Tribes of the Goshute Reservation (CTGR).

We provide the following comments, in line with GBWN's request, on the four documents provided on the State Engineer's website, including: (1) State Engineer's Interpretation of Supreme Court Decision, (2) Informational Statement August 19, 2010, (3) Schedule, and (4) 8//19/2010 Letter to SNWA.

(1) State Engineer's Interpretation of Supreme Court Decision

Positives: The State Engineer provided four relatively specific determinations regarding which applications would be republished and subject to new protest. We appreciate that this interpretation by the State Engineer highlighted actions that will be required of SNWA, including republication of applications and that the cost of republication will be borne to SNWA, not the State.

Negatives: The State Engineer does not state explicitly whether the protests filed in response to SNWA applications filed on or after January 28, 2010, will be transferred to the upcoming republication of SNWA applications.

Information Needs: While the Court's decision made clear the intent to have an equitable outcome in this case, the State Engineer needs to provide further clarification and justification as to why protests

will or will not be transferred from the January 28th SNWA application publications.

(2) Informational Statement August 19, 2010

Positives: The informational statement provides an important, albeit approximate, road map and timeline for further action by the State Engineer regarding SNWA's applications in SCDD Valleys. This notification is appreciated as it allows for preparations for the upcoming protest period, pre-hearing, legal brief preparations, evidentiary exchanges, and the administrative hearing.

Negatives: While the CTGR does not take issue with the Office of the State Engineer calling attention to the associated costs, efficiency, and budgets pertaining to the forthcoming administrative hearing, it is the responsibility of the Office of the State Engineer to provide an appropriate forum for the SNWA issues, especially given the size of their proposed project and water usage. All parties involved have the right to sufficiently present evidence and testimony at the hearing, in an efficient but effective manner. What should be emphasized more, and potentially more attention paid to this issue, is the fact that administrative hearing regarding SNWA water rights applications are of an extremely important issue that will require sufficient time for hearing. The Office of the State Engineer should make every effort possible to provide sufficient time for the needs of those involved at the hearing, while still attempting to maximize efficiency. It seems inappropriate for the State Engineer to overemphasize cost and budget issues at the expense of providing the appropriate forum on the SNWA case.

Information Needs: The State Engineer also should provide a statement of how parties will be admitted to the administrative hearing and how they will be scheduled.

(3) Schedule

Positives: Probably a sufficient timetable for now, but it should be updated as new information is made available.

Negatives: “Early summer 2011” should be changed to the month(s) that are anticipated that parties can file legal briefs addressing the matter.

Information Needs: The State Engineer should identify whether the administrative hearing will proceed according to particular basins, application numbers, or whether they are anticipated to be heard collectively.

(4) 8//19/2010 Letter to SNWA

At this time, the CTGR would call attention to the language used by the State Engineer in the last two paragraphs, where he used phrases such as “I believe” and “I would certainly hope”. These seem to suggest that State Engineer is providing the SNWA with room for interpretation rather than issuing specific requirements that SNWA follow.

The CTGR appreciates this opportunity to provide the GBWN with input on the documents associated with SNWA and the Office of the State Engineer. We look forward to any further correspondence and opportunities to provide our input on these matters with SNWA and the State

Engineer's Office.

Sincerely,

/s/Rupert Steele

Rupert Steele, Chairman

The Confederated Tribes of the Goshute Reservation

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